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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 EL & EL WOOD PRODUCTS CORP.,

12 Plaintiff,

13 v.

14 ERNESTO COPADO,

15 Defendant.
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No. 2:20-cv-01500-JAM-CKD PS

ORDER TO SHOW CAUSE

17 On August 19, 2020, defendant was granted thirty days to retain counsel and the court
18 ordered the action stayed “during this time.” (ECF No. 10.) The court also informed defendant
19 that if counsel did not file a notice of appearance within thirty days the case would be referred to
20 the undersigned pursuant to Local Rule 302(c)(21). (Id.) On October 7, 2020, this matter was
21 referred to the undersigned due to no counsel having entered an appearance. (ECF No. 12.) On
22 October 9, 2020, the undersigned ordered defendant, now proceeding pro se, to file an answer to
23 plaintiff’s complaint within twenty-one days. (ECF No. 13.)

24 To date, defendant still has not filed an answer in this action. Nor has plaintiff, who is
25 represented by counsel, taken any steps to move the action forward—for instance, by requesting
26 entry of default. The court takes this opportunity to clarify that no stay is currently in effect in
27 this case and to remind plaintiff of its obligation to proceed with prosecuting this case or notify
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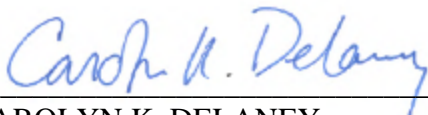
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the court of its voluntary dismissal.

Accordingly, IT IS ORDERED that:

1. Within 14 days of the date of this order, plaintiff shall show cause in writing why this action should not be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. The timely filing of a status report or request for entry of default will constitute a showing of good cause; and
2. Failure to timely comply with the terms of this order will result in a recommendation that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

Dated: December 30, 2020


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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